

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
<b>James Skinner</b>	)	Art Unit: <b>3762</b>
	)	
Application No. <b>10/767,861</b>	)	Confirmation No.: <b>2987</b>
	)	
Filing Date: <b>January 29, 2004</b>	)	Examiner: <b>George C. Manuel</b>
	)	
For a: <b>"METHOD AND SYSTEM FOR</b>	)	
<b>DETECTING AND/OR PREDICTING</b>	)	
<b>CEREBRAL DISORDERS"</b>	)	

**TERMINAL DISCLAIMER**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Needle & Rosenberg, P.C.  
Customer Number 23859

February 8, 2007

Sir:

Petitioner, Vicor Technologies, Inc., is the owner of the entire interest in the above-identified application and U.S. Patent No. 7,076,288. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154-156 and 173, as shortened by any terminal disclaimer, of U.S. Patent No. 7,076,288. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 7,076,288 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

**ATTORNEY DOCKET NO. 22118.002U2**  
**APPLICATION NO. 10/767,861**

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156 and 173 of U.S. Patent No. 7,076,288, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is empowered to act on behalf of Vicor Technologies, Inc.

I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Vicor Technologies, Inc.

Date: February 8, 2007

Name: Charley F Brown Registration No. 52,658

Title: Attorney of Record

Signature: 